



**\*REGULAR MEETING\***  
**TOQUERVILLE CITY COUNCIL - MINUTES**

April 14, 2016 @ 6:00 p.m.

Held at 212 N. Toquerville Blvd, Toquerville UT

In Attendance:

City Officials:

Mayor LeFevre  
Ty Bringhurst  
Brad Langston  
Paul Heideman  
Keen Ellsworth

City Office Staff:

Coleen Orth  
June Jeffery  
Lance Gubler

Others:

Mike Vercimak (Zoning Administrator)  
Karl Rasmussen (City Engineer)

Not in Attendance:

Heath Snow (Not required to attend)  
Dave Hawkins (Planning Commission Chair)

Late Arrivals:

Mark Fahrenkamp @ 6:06PM  
Heath Snow @ 6:07PM

**6:00PM REGULAR MEETING:**

1. Call to Order @ 6:01PM – Mayor LeFevre; Pledge of Allegiance – Brad Langston; Invocation – Keen Ellsworth
2. Disclosures and Declarations of Conflict from Council Members (None)
3. Requests for Statements of Belief from Anyone Present (None)

**A. CONSENT AGENDA:**

1. Review and possible approval of CC Work Meeting Minutes from March 3, 2016
2. Review and possible approval of CC Regular Meeting Minutes from March 10, 2016
3. Review and possible approval of City Expenditures from March, 2016

All Consent Agenda items approved via motion by Brand Langston; Seconded by Paul Heideman; All in favor said Aye, No opposition; Motion carried unanimously.

Only issue seems to be viewing items on a Kindle.

**B. PUBLIC FORUM:**

*\*Public comments welcome*

*\*Limit three (3) minutes per person*

*\*A spokesperson representing a group to summarize their concerns will be allowed five (5) minutes to speak*

*\* Speakers must address the microphone and state their full name and address*

*(If additional time is needed, please request agenda time with Coleen Orth at City Office, in writing, before 4:00pm on Wednesday of the week preceding the City Council Meeting.)*

*All Agenda requests should be emailed to [recorder@toquerville.org](mailto:recorder@toquerville.org) ten days prior to the Meeting.)*

1. Discuss Ballfield Reservations and Local Leagues (Caleen Olson)
2. Comments from Public

**C. PRESENTATION(S):**

1. N/A

**D. PUBLIC HEARING: (Began @ 6:06PM)**

1. Toquerville City Capital Facilities Plan and Impact Fee Study - An Impact Fee Facilities Plan, Impact Fee Analysis and Impact Fees for Enactment for Water, Roads & Drainage, Parks and affiliated Trails within the entire City Limits of
2. Toquerville City, Washington County, Utah. *(A copy of the plan and analysis can be viewed at 212 N. Toquerville Blvd. beginning April 4th, 2016.)*

An ordinance must be created in order to approve the Capital Facilities Plan. Public Hearing must also be held.

Ty Bringhurst made a motion to approve the Capital Facilities Plan. Paul Heideman seconded the motion. All in favor said Aye, No opposition; Motion carried unanimously.

6:07PM Brad Langston made a motion to exit the Public Hearing. Paul Heideman seconded the motion. All in favor said Aye. No opposition. Motion carried unanimously.

6:08PM Paul Heideman made a motion to go back into Public Hearing, as Item D2 was overlooked. Brad Langston seconded the motion. All in favor said Aye. No opposition. Motion to re-enter Public hearing approved unanimously.

3. Resolution 2106.06 – Budget Amendment for Fiscal Year 2016  
Public had access to budget documents. No public comments made.

Paul Heideman motioned to close the Public Hearing. Keen Ellsworth seconded the motion. All in favor said Aye, no opposition. Motion to close the Public Hearing approved unanimously.

**E. BUSINESS:**

*\*No comments or actions permitted unless listed on Agenda\**

1. Review and possible approval of Bed and Breakfast (for Jim Valentine) located at 1015 Mulberry Drive - Toquerville, UT 84774 (Tax ID # T-AHP-A-135)  
Mike Vercimak had no additional information to add to Planning Commission's recommendation for approval. Mark Fahrenkamp made a motion to approve CUP. Paul Heideman seconded the motion. All in favor said Aye. No opposition. CUP unanimously approved.

2. Review and possible approval of Capital Facilities Plan (Karl Rasmussen)  
Heath Snow said that an ordinance needs to be created in order to approve Capital Facilities Plan. Heath read aloud about 'Adopting or Amending Capital Facilities Plan'.

Heath said that Utah is now challenging impact fees based on municipalities not following processes correctly. Courts can award attorney fees, making municipalities pay.

Per Heath: 1) An ordinance adopts a plan. 2) That particular ordinance must set impact fees and/or list fees in a table.

Approval of Capital Facilities Plan tabled until next month. Ordinance to be created. Heath to send pertinent information to June Jeffery for ordinance creation.

Paul Heideman asked about Trails. Other cities refer to trails as 'Parks and Recreation'. Toquerville calls it 'Parks and Trails'. Paul asked if TQ were to change it to 'Parks and Recreation', would that allow the City to use impact fees on other recreation items? Lance Gubler responded by saying that Bill Jackson had suggested that it be left alone (as 'Trails') because grant money is available specifically for trails. Brad Langston stated that he would not support a name change. Heath Snow does not think a name change is necessary.

Regarding line item E2 – Ty Bringhurst motion to table item until May 12<sup>th</sup>, when it will possibly be approved via ordinance. Brad Langston seconded the motion. All in favor said Aye. No opposition. Motion carried unanimously.

3. Review ProValue Engineering March 14, 2016 Invoices. Possibly appropriate and approve additional funds needed

Brad Langston motioned to approve the mentioned ProValue Engineering invoices. Mark Fahrenkamp seconded the motion. Keen Ellsworth asked for and received clarification of an invoice. Mayor then asked that all in favor say Aye. All members replied Aye, no opposition. Roll call vote required due to item dealing with money. Motion carried unanimously via roll call vote as follows:

Mark Fahrenkamp	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Ty Bringhurst	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Brad Langston	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Paul Heideman	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Keen Ellsworth	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay

*Item B-1 was inadvertently skipped. Addressing item now.*

**B. PUBLIC FORUM:**

*Discuss Ballfield Reservations and Local Leagues*

*(Caleen Olson)*

*Caleen wants to start up co-ed leagues again. She said that in previous years, each team was required to provide a scorekeeper and referee. Caleen asked what the process is nowadays. Mayor read the costs of reserving the fields aloud. Mayor asked Lance Gubler how much time it takes to maintain the ballfield and reminded all that a City employee must be present on game days. Caleen said that on a typical game day/night, three games are played. In the past, she took care of the field (raking it, marking it, etc.) Paul Heideman suggested that maybe she could find a volunteer to maintain the field. Caleen would like to start the games ASAP and continue through July. Mayor said the current fees will not cover the true cost of maintaining the fields and providing personnel to oversee games. If fees are to be changed, a Public Hearing is required. Mark Fahrenkamp asked Caleen how many teams she is hoping to have play. Her answer was "Six teams". Caleen said that she would move forward with advertising the league, stating the current fees. Mayor said that after this year, the City will most likely raise fees. The question was then asked about practices. The answer is this: If the field is open, anyone can use it free. However, to reserve the field, it must be paid for.*

4. Review and possible approval of Resolution 2016.06 – Budget Amendment for Fiscal Year 2016

*(June Jeffery)*

Paul Heideman asked June if any additional changes had been made since the last document was sent out. She replied, "No, there has not." Paul motioned to approve Resolution 2016.06. Ty Bringhurst seconded the motion. All in favor said Aye, no opposition. Due to money being involved, roll call vote required.

Mark Fahrenkamp	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Ty Bringhurst	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Brad Langston	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Paul Heideman	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay
Keen Ellsworth	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay

Resolution 2016.06 carried unanimously.

5. Review and possible approval of Resolution 2016.07 – Fee Schedule Non-Irrigation Users *(June Jeffery)*  
June to create new resolution. This will be tabled until next month.

Per Lance Gubler, the City has been getting lots of phone calls about people watering at the wrong times. City office to send letters to the non-irrigation users saying that after the third violation, the resident will no longer be able to use the 10k gallons without having their assessment going up. (ASK JUNE) Lance Gubler will begin taking photos of violations. Colcen Orth and June Jeffery to send letters with photos as violations occur.

Brad Langston asked for clarification that 20k gallons is the allotted amount monthly from April 1 to November 1. This was confirmed as the correct amount. (ASK JUNE). Paul Heideman said that he would like two extra months added on (March 1 – December 1). After Council comments, it was decided that this resolution shall be redone to include one extra month (March 1 – November 1). Paul Heideman motioned to have this resolution rewritten and tabled until next month. Brad Langston seconded the motion. All in favor said aye, no opposition. Motion carried unanimously.

6. Discuss Water Department fees and lease (Mayor LeFevre)  
Mayor has not yet received information he's been waiting on (from Ron Thompson). Item to be tabled until next month.

7. Discussion and possible approval of Toquerville representative for TSWS (Toquerville Secondary Water System) (Mayor LeFevre)  
Than Naegle is the current representative. Ron Thompson thinks it should be an elected official (i.e. City Council Member). Ron would like to see Than stay on as an at-large representative. Keen Ellsworth recommended Ty Bringhurst. Ty agreed to be the new representative. Keen Ellsworth and Brad Langston both said they'd like to be more involved but do not have the time to do so. Than Naegle to stay on at-large. Moving forward, when the current City Council Member's (who is acting as the TSWS representative) tenure expires, the Council will need to appoint a new Council Member to sit on the TSWS Board.

Keen Ellsworth made a motion to appoint Ty Bringhurst as the new TSWS TQ Board Member. Mark Fahrenkamp seconded the motion. All in favor said Aye. No opposition. Motion carried unanimously.

#### **F. COUNCIL REPORTS AND CITY DEPARTMENTS:**

1. Heath Snow Attorney's Report  
Regarding Major Utility: Planning Commission to have a Public Hearing to address the height adjustments. Heath Snow to send updated document to Coleen Orth for Public Hearing scheduling, as well as placement on the Planning Commission and City Council agendas.

Per Mike Vercimak: LaVerkin City approved Bud Bringhurst's deannexation. Heath to provide estimated attorney fees amount so that Bud can have Toquerville deannexed.

Per June Jeffery: All zoning forms and applications have been updated on the new City website. It was discussed that Mike Vercimak should continue to be the contact person on zoning/deannexation/etc items. Heath suggested that people should first be directed to the City website. June said that the City should be billing for any extra hours needed to complete certain projects/applications/etc.

<Heath Snow exited meeting.>

2. Mark Fahrenkamp Park Maintenance/Park Committee/Risk Management/Trails Committee  
No updates.
3. Paul Heideman Sewer District/Culture and Recreation/Confluence Park  
There is a trail event being held at confluence Park this Saturday at 10am. Entertainment provided. Spread the word! Miss Toquerville pageant details are moving along nicely.
4. Ty Bringhurst Water Department/Streets/MPO/Emergency Preparedness/Safety Committee  
No updates.
5. Brad Langston Solid Waste/Tree Board/Cemetery/City Hall Maintenance/Beautification Committee  
Brad had no updates. Mayor asked Brad how Shangri La Beautification Project is coming along. Brad said project will move forward. June Jeffery said that it might be better to move the project into the next fiscal year. Brad said it makes sense to wait until September or October to plant.
6. Mayor LeFevre Fire District/Irrigation Board  
Mayor reminded all that the current Toquerville Facebook page is not managed by the City. If you are posting or replying to anything on that page, be sure to post as a "COMMUNITY MEMBER" and specify that you are "NOT COMMENTING AS A CITY OFFICIAL, BUT RATHER AS A RESIDENT AND COMMUNITY MEMBER ONLY."

Mayor had a discussion recently with Ron Thompson and was told that water zones (for agricultural users) will be changing soon. Agricultural users will soon have one additional hour added to their allotted time.

The Mayor said that he asked Heath Snow about BnB room tax. Per June Jeffery and Mike Vercimak, TQ is already collecting those taxes (sales tax and transient room tax).

Mayor asked Council if they want to move forward with Jones and DeMille...having them assist TQ, advocate for TQ with UDOT, help TQ with grants, etc. All were told to think it over and be ready to make a decision next month.

7. Keen Ellsworth                      Economic Development/Subdivisions/Planning Commission Oversight/Mosquito Abatement

No updates.

**G.      REQUEST FOR AGENDA ITEMS (for Future Meetings)                      \*Must Complete Agenda Application Form\***

1. Requested agenda items (if any) to be heard at the May 5, 2016 City Council Work Meeting
2. Requested agenda items (if any) to be heard at the May 12, 2016 City Council Regular Meeting
3. Requested agenda items (if any) to be heard at the April 20, 2016 Planning Commission Meeting

None submitted.

**H.      MOTION TO GO INTO POSSIBLE EXECUTIVE SESSION (if applicable):**

To discuss Personnel, Potential or Imminent Litigation, Security, Purchase/Exchange/Lease of Real Property, Health and Human Services Interim Committee, or Child Welfare Legislative Overnight Panel

N/A

**I.      MOTION TO ADJOURN MEETING:**

Meeting adjourned at 7:20PM.

May 12, 2016  
Date Approved

[Signature]  
M. Darrin LeFevre, Mayor

[Signature]  
Attest: Toquerville City Recorder Treasurer